REMARKS/ARGUMENTS

This is in response to the Office Action of February 17, 2006.

Claims 1 through 173 are currently pending in the application.

Claims 1 through 17 stand rejected.

Claims 18 through 173 are withdrawn from consideration.

Applicant has amended no claims, and respectfully request reconsideration of the application as amended herein.

Double Patenting Rejection Based on U.S. Patent 6,730,995 and U.S. Patent 6,538,311

Claims 1 through 17 stand rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1 through 17 of U.S. Patent 6,730,995 and claims 1 through 34 of U.S. Patent 6,538,311.

Applicant asserts that the analysis employed in an obviousness-type double patenting determination parallels the guide-lines for a 35 U.S.C. § 103(a) rejection and the factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966). These factual inquiries are summarized as follows:

(A) Determine the scope and content of a patent claim . . . relative to a claim in the application at issue;

(B) Determine the differences between the scope and content of the patent claim . . . as determined in (A) and the claim in the application at issue;

(C) Determine the level of ordinary skill in the pertinent art; and

(D) Evaluate any objective indicia of nonobviousness.

Applicant asserts that any obviousness-type double patenting rejection should make clear:

(A) The differences between the inventions defined by the conflicting claims---a claim in the patent compared to a claim in the application; and

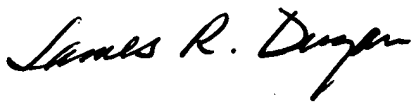
(B) The reasons why a person of ordinary skill in the art would conclude that the invention defined in the claim > at issue would have been < an obvious variation of the invention defined in a claim in the patent. M.P.E.P. § 804 II. B. 1. Obviousness-Type

Applicant asserts that no such factual inquiries have been set forth in the Office Action as well as any conclusions from such factual inquiries. Applicant asserts that no obviousness-type double patenting exists between claims 1 through 17 of the present application and claims 1 through 17 of U.S. Patent 6,730,995 and claims 1 through 34 of U.S. Patent 6,538,311. Accordingly, Applicant asserts that claims 1 through 17 are allowable.

CONCLUSION

Claims 1 through 17 are believed to be in condition for allowance, and an early notice thereof is respectfully solicited. Should the Examiner determine that additional issues remain which might be resolved by a telephone conference, he is respectfully invited to contact Applicant's undersigned attorney.

Respectfully submitted,



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Date: May 17, 2006
JRD/sfc:lmh
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